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EXAMINER

TRAN, T

ART UNIT

PAPER NUMBER

2714

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

BP

Office Action Summary

Application No.
09/163,977

Applicant(s)

Yu-Ha PARK

Examiner

Trang U. Tran

Group Art Unit
2714



☒ Responsive to communication(s) filed on Jun 13, 2000

☒ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-29 is/are pending in the applicant

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-29 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☒ The proposed drawing correction, filed on Jun 13, 2000 is ☒ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed June 13, 2000 have been fully considered but they are not persuasive.

In re page 10, applicant argues that, in contrast to the Examiner's assertion, Yuen does not disclose a device that acquires "the program guide information for each channel by scanning accessible channels while a received program is not displayed" as recited in claim 1.

The examiner respectfully disagrees. Yuen discloses in col. 22, lines 33-47 that the television guide is accessed when the television monitor is OFF which indicates whether the TV is being viewed and whether it is time for accessing a guide from a television signal and in col. 22, lines 65-67 that the television guide is accessed by scanning all channels. From the above passages, it is clear that the program guide information for each channel by scanning accessible channels while a received program is not displayed.

In re page 10, applicant states that claim 2 is deemed patentable due at least to the above argument for the patentability of claim 1.

In response, as discussed above regarding claim 1, Yuen indeed disclose all the features of claim 1.

In re pages 10-11, applicant also argues that contrary to the assertion of the Examiner, the method disclosed in Yuen is not a "program guiding method in which a program list of channels

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is displayed in response to a program guide command” that includes the steps of “acquiring program guide information” and “storing the acquired program guide information” as recited in claim 3.

The examiner respectfully disagrees. As discussed above regarding claim 1, Yuen discloses in col. 22, lines 33-47 and in col. 22, lines 65-67 the claimed “acquiring program guide information”, in col. 21, line 65 to col. 22, line 1 the claimed “storing the acquired program guide information”, and in col. 22, lines 1-3 the claimed “a program list of channels is displayed in response to a program guide command”. Thus, it is clear that Yuen discloses all the claimed features of claim 3.

In re pages 11-12, applicant argues that claim 6 is patentable for the above arguments for the patentability of claim 3 and Yuen does not disclose a further step of “determining whether the program guide information is effective by comparing a current time to an effective period of stored program guide information, and proceeding to the program list writing step when the stored program is effective, before the steps of acquiring program guide information” in response to a program guide command as recited in claim 5.

The examiner respectfully disagrees. As discussed above regarding claim 3, Yuen discloses all the features of claim 3 and also discloses in col. 21, lines 1-22 the claimed “determining whether the program guide information is effective by comparing a current time to an effective period of stored program guide information, and proceeding to the program list

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writing step when the stored program is effective, before the steps of acquiring program guide information”.

In re page 12, applicant argues that claim 6 is deemed patentable due at least to the patentability of claim 3.

In response, as discussed above regarding claim 3, Yuen discloses all the features of claim 3.

In re page 12, applicant argues that Yuen does not disclose the claimed “step of determining the sequence of accessing channels by proximity of channels to the channel tuned before the program guide command is executed” as recited in claim 7.

The examiner respectfully disagrees. Yuen discloses from col. 21, line 48 to col. 22, line 32 the limitation of “determining the sequence of accessing channels by proximity of channels to the channel tuned before the program guide command is executed” as recited in claim 7. One skilled in the art needs no more disclosure.

In re page 13, applicant also argues that Yuen does not disclose the acquisition step comprising “determining the order of priority of channels having the same proximity to the channel tune before the program guide command is executed according to a channel up/down command input before corresponding channels are accessed” as recited in claim 8.

The examiner respectfully disagrees. As discussed above regarding claim 7, Yuen discloses from col. 21, line 48 to col. 22, line 32 and col. 23, lines 11-16 the claimed “determining the order of priority of channels having the same proximity to the channel tune

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before the program guide command is executed according to a channel up/down command input before corresponding channels are accessed” as recited in claim 9 and one skilled in the art needs no more disclosure.

In re page 13, applicant states that claim 9 is deemed patentable due at least to the patentability of claims 3 and 7 as recited above.

In response, as discussed above regarding claims 3 and 7, Yuen discloses all the features of claims 3 and 7.

In re page 13, applicant argues that Yuen does not disclose “the step of searching channels upward or downward from the channel tuned before the program guide command is executed” as recited in claim 10.

The examiner respectfully disagrees. Yuen discloses from col. 22, line 65 to col. 23, line 11 the claimed “searching channels upward or downward from the channel tuned before the program guide command is executed” as recited in claim 10 and one skilled in the art needs no more disclosure.

In re page 14, applicant argues that Yuen does not disclose a “program guiding method in which a program list for each channel is displayed in response to a program guide command” including the steps of “acquiring program guide information for each channel”, “storing the acquired program guide information for each channel”, “rewriting a program list on the basis of the stored program guide information”, and “displaying the rewritten program list to a user” as recited in claim 12.

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The examiner respectively disagrees. As discussed above regarding claim 1, Yuen discloses in col. 22, lines 33-47 and in col. 22, lines 65-67 the claimed “acquiring program guide information”, in col. 21, line 65 to col. 22, line 1 the claimed “storing the acquired program guide information”, in col. 21, lines 18-22 the claimed “rewriting a program list on the basis of the stored program guide information”, and in col. 22, lines 1-3 the claimed “a program list of channels is displayed in response to a program guide command”. Thus, it is clear that Yuen discloses all the claimed features of claim 12 and one skilled in the art needs no more disclosure.

In re pages 14-15, applicant argues that Yuen does not disclose “the step of determining a sequence of accessing channels by the proximity of channels to the channel tuned before the program guide command is executed” as recited in claim 13.

In response, as discussed above regarding claim 8, Yuen discloses from col. 21, line 48 to col. 22, line 32 and col. 23, lines 11-16 the claimed “determining the order of priority of channels having the same proximity to the channel tune before the program guide command is executed according to a channel up/down command input before corresponding channels are accessed” as recited in claim 13 and one skilled in the art needs no more disclosure.

In re page 15, applicant argues that Yuen does not disclose the claimed step that “determines an order of priority of channels having the same proximity to the channel tuned according to a channel up/down command input before corresponding channels are accessed” as recited in claim 14.

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In response, as discussed above regarding claim 9, Yuen discloses from col. 21, line 48 to col. 22, line 32 and col. 23, lines 11-16 the claimed “determining the order of priority of channels having the same proximity to the channel tune before the program guide command is executed according to a channel up/down command input before corresponding channels are accessed” as recited in claim 14 and one skilled in the art needs no more disclosure.

In re page 15, applicant states claim 15 is deemed patentable due at least to the arguments for the patentability of claims 12 and 13.

In response, as discussed above regarding claims 12 and 13, Yuen does indeed disclose all the features of claims 12 and 13.

In re pages 15-16, applicant argues that Yuen does not disclose an apparatus that is utilizes the tuner to detect, acquire, and store program guide information in response to a program guide command as recited in claim 19.

The examiner respectfully disagrees. Yuen discloses in col. 18, lines 1-27 the claimed apparatus that is utilizes the tuner to detect, acquire, and store program guide information in response to a program guide command and one skilled in the art needs no more disclosure.

In re page 16, applicant also argues that Yuen does not disclose the microprocessor determining “the sequence of accessing channels by the proximity between channels to the channel tuned before the program guide command is executed” as recited in claim 20.

In response, as discussed above regarding claim 8, Yuen discloses from col. 21, line 48 to col. 22, line 32 and col. 23, lines 11-16 the claimed “determining the order of priority of channels

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having the same proximity to the channel tune before the program guide command is executed according to a channel up/down command input before corresponding channels are accessed” as recited in claim 20 and one skilled in the art needs no more disclosure.

In re pages 16-17, applicant argues that Yuen does not disclose the microprocessor as determining “the order of priority of channels having the same proximity according to a user’s channel up/down command input via the key input before corresponding channels are accessed” as recited in claim 21.

In response, as discussed above regarding claim 9, Yuen discloses from col. 21, line 48 to col. 22, line 32 and col. 23, lines 11-16 the claimed “determining the order of priority of channels having the same proximity to the channel tune before the program guide command is executed according to a channel up/down command input before corresponding channels are accessed” as recited in claim 21 and one skilled in the art needs no more disclosure.

In re page 17, applicant states that claim 22 is deemed patentable due to at least to the reasons supporting the patentability of claims 19, 20, and 21.

In response, as discussed above regarding claims 10, 20, and 21, Yuen discloses all the features of claims 19, 20, and 21.

In re page 17, applicant further argues that Yuen does not disclose the microprocessor as searching for “channels upward or downward from the channel tuned before the program guide command is executed” as recited in claim 23.

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In response, as discussed above regarding claim 10, Yuen discloses from col. 22, line 65 to col. 23, line 11 the claimed "searching channels upward or downward from the channel tuned before the program guide command is executed" as recited in claim 23 and one skilled in the art needs no more disclosure.

In re pages 17-18, applicant argues that Yuen does not disclose the microprocessor providing "to the character signal generator a status message on a message screen in response to the program guide information of a corresponding channel not being stored" as recited in claim 25.

The examiner respectfully disagrees. Yuen discloses in col. 20, lines 37-54 that "the audio warning message can be embedded in the video of each of the video clip frames so that the viewer sees a message such as shown in FIG. 25 which shows a message :ignore audio tone" 968 at the bottom of the television screen 966" and that "the guide and guide data are transmitted as audio tones in the audio as illustrated by guides 887, 890, 891, and 892" and in from col. 21, line 65 to col. 22, line 1 that " the television guide data can be decoded and stored in RAM 752". From the above passages, it is clear, since the guide and guide data are transmitted as the audio tones and the television guide data are stored in RAM 752, the message relating the audio tones of Yuen relates to the status of storing the program guide information. Thus, Yuen does indeed disclose the claimed "generating a status message on a message screen in response to the program guide information of a corresponding channel not being stored".

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In re page 18, applicant states claim 26 is deemed patentable due at least to the arguments for the patentability of claim 1.

In response, as discussed above regarding claim 1, Yuen discloses all the features of claim 1.

In re page 18, applicant argues that Yuen does not disclose the acquiring step as comprising “the step of determining the sequence of accessing channels by proximity of the channels to the channel tuned and by a channel up/down command input just before a channel search is determined” as recited in claim 28.

In response, as discussed above regarding claim 9, Yuen discloses from col. 21, line 48 to col. 22, line 32 and col. 23, lines 11-16 the claimed “determining the order of priority of channels having the same proximity to the channel tune before the program guide command is executed according to a channel up/down command input before corresponding channels are accessed” as recited in claim 27 and one skilled in the art needs no more disclosure.

In re pages 18-19, applicant argues that Yuen does not disclose an apparatus having either a “means for detecting program guide information corresponding to channels in relation to a tuned channel” and a “means for searching for accessible channels of the channels based upon a command receive, the program guide information, and a relation to the tuned channel” as recited in claim 28.

The examiner respectfully disagrees. Yuen discloses from col. 21, line 48 to col. 22, line 32 the claimed “means for detecting program guide information corresponding to channels in

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relation to a tuned channel” and “means for searching for accessible channels of the channels based upon a command receive, the program guide information, and a relation to the tuned channel” as recited in claim 28 and one skilled in the art needs no more disclosure.

In re page 19, applicant states that claim 29 is deemed patentable due at least to the arguments for the patentability of claim 28.

In response, as discussed above regarding claim 28, Yuen discloses all the features of claim 28.

In re page 19, applicant argues that claim 4 is deemed patentable due at least to the reasons for the patentability of claim 3.

In response, as discussed above regarding claim 3, Yuen discloses all the features of claim 3.

In re pages 19-20, applicant argues that the combination of Yuen and Saitoh doe snot disclose a program guiding method in which a program list for channels is displayed in response to a program guide command which includes the steps of acquiring and storing the program guide information as recited in claim 3 in which claims 11 and 16-18 are depend.

In response, as discussed above regarding claim 3, Yuen does disclose all the features of claim 3.

In re page 20, applicant also argues that the combination of Yuen and Saitoh does not disclose the microprocessor searching “for accessible channels in response to the manipulation

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command input via the key input by controlling the tuner in a background operation while a user refers to the program list” as recited in amended claim 19 in which claim 24 is depend.

In response, as discussed above regarding claim 19, Yuen does disclose all the features of claim 19.

In re page 21, applicant argues that contrary to the assertion of the Examiner, Saitoh does not disclose a method including “writing a probability distribution of tuned channels, wherein the channels are searched for in an order of priority according to a probability distribution of channels” as recited in claims 11, 16-18 and an apparatus which further comprises a “probability estimator, coupled to the microprocessor, calculating a probability that channels are to be selected, by accumulating a number of times which the channels are tuned, wherein the microprocessor searches for the channels in an order of priority according to a probability of tuning by the channels calculated by the probability estimator” as recited in claim 24 because there is no discussion in Saitoh that the channel order priority data is used in the search for program guide information, or that this channel order priority data is used to prioritize such a search; instead, the channel order priority data determines what channel to display, not what program guide information to gather.

The examiner respectfully disagrees. Saitoh discloses learning the favorite channels by monitoring the number of channels that are viewed by a viewer, and generating channel order priority data based upon this monitoring and the number of tunings of the channel. Col. 3, line 47 to col. 4, line 32 and col. 5, lines 54-62. On activation of the television receiver the channel

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having the highest priority within the channel order priority data is automatically displayed. Col. 6, lines 15-16 and lines 26-32. The television receiver of Saitoh has a probability estimator, coupled to the microprocessor, calculating a probability that channels are to be selected, by accumulating a number of times which the channels are tuned, wherein the microprocessor searches for the channels in an order of priority according to a probability of tuning by channels calculated by the probability estimator and the channel order priority data of Saitoh is used to automatically tune in a channel when the tuner is activated such that the viewer can watch their favorite program of a particular time merely by turning on the television receiver. It is noted that claims 11, 16-18 and 24 do not specifically recite that the channel order priority data is used in the search for program guide information. Since the capability of searching for the program guide information using the channel order priority data is not recited in claims 11, 16-18 and 24, Saitoh can be combined with Yuen . Additionally, the automatic tuning in a channel based upon the channel order priority data as taught by Saitoh has similar application whether in searching for the favorite program of a particular time or in searching for the program guide information. A reference must be considered not only for what it expressly teaches, but also for what it fairly suggests. In re Burckel, 592 F.2d 1175, 201 USPQ 67 (CCPA 1979). The artisan is presumed to know something about the art apart from what references literally disclose. In re Jacoby, 309 F.2d 513, 135 USPQ 317 (CCPA 1962).

In re page 22, applicant further argues that there is insufficient evidence of a motivation to combine the references to as to support a prima facie argument for obviousness so as to

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support a rejection of claims 11, 16-18 and 24 because an unsubstantiated statement that existing elements could be combined as it was in the skill of the art to do so does not provide a basis for a rejection under 35 U.S.C. 103(a) (Ex Parte Levengood, 28 USPQ2d 1300, 1301 (Bd. Pat. App. & Inter. 1993)) and in order to establish a prima facie case for obviousness, the rejection must detail the existence of the individual elements at the time of invention, that there was an existing motivation to combine these elements contained in the then existing art, and that this motivation is beyond an unsupported statement that the combination of these elements was within the still of the art (In Re Fine, 5 USPQ2d 1596 (Fed. Cir. 1988), cited with approval by, In re Jones, 21 USPQ2d 1941 (Fed. Cir. 1992), Ex Parte Levengood, 28 USPQ2d at 1301).

The examiner respectfully disagrees. In reaching the conclusion of obviousness of the claimed invention, it is mindful of the basic principle of a proper prior art analysis within 35 U.S.C. 103(a).

Not only the specific teachings of a reference but also reasonable inferences with the artisan would have logically drawn therefrom may be properly evaluated in formulating a rejection. In re Preda, 401 F.2d 825, 159 USPQ 342 (CCPA 1968) and In re Shepard, 319 F.2d 194, 138 USPQ 148 (CCPA 1963). Skill in the art is presumed. In re Sovish, 769 F.2d 738, 226 USPQ 771 (Fed. Cir. 1985). Furthermore, artisans must be presumed to know something about the art apart from what the references disclose. In re Jacoby, 309 F.2d 513, 135 USPQ 317 (CCPA 1962). The conclusion of obviousness may be made from common knowledge and common sense of a person of ordinary skill in the art without any specific hint or suggestion in a

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particular reference. In re Bozek, 416 F.2d 1385, 163 USPQ 545 (CCPA 1969). Every reference relies to some extent on knowledge of persons skilled in the art to complement that which is disclosed therein. In re Bode, 550 F.2d 656, 193 USPQ 12 (CCPA 1977).

Saitoh discloses the desired channel having the highest priority within the channel order priority order priority data is automatically displayed (col. 6, lines 15-16 and lines 26-32) instead of tuning all the channels to search the desired channel. The tuning the desired channel having the highest priority of Saitoh is common knowledge and would itself has been evidence of obviousness.

Finally, the expected benefits from the tuning the desired channel having the highest priority instead of tuning all the channels to search the desired channel of Saitoh would again itself has been evidence of obviousness. Expected beneficial results are themselves evidence of obviousness. In re Hoffman, 556 F.2d 539, 194 USPQ 126 (CCPA 1977); In re Skoll, 523 F.2d 1392, 187 USPQ 481 (CCPA 1975); and In re Skoner, 517 F.2d 947, 186 USPQ 80 (CCPA 1975).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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3. Claims 1-3, 5-10, 12-15, 19-23, and 25-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Yuen (U.S. Patent 5,659,367).

In consider claim 1, the claimed comprising acquiring program guide information for each channel by scanning accessible channels while a received program is not displayed is met by the controller 750 (col. 21, lines 34-47 and 59-65).

In consider claim 2, the claimed the acquiring of the program guide information for each channel comprises obtaining the program guide information of the accessible channels by a tuner while the program received by the tuner is not displayed is met by the controller 750 (col. 21, lines 34-47 and 59-65).

In consider claim 3, Yuen discloses all claimed subject matter, note 1) the claimed acquiring program guide information of accessible channels is met by the controller 750 (col. 21, lines 34-47 and 59-65), 2) the claimed storing the acquired program guide information is met by the RAM 752 (col. 21, line 65; col. 22, line 1), 3) the claimed writing a program list on the basis of the stored program guide information is met by the RAM 752 (col. 21, line 65; col. 22, line 1 and col. 12, lines 33-46), 4) the claimed displaying the written program list to the user is met by the television 14 (col. 22, lines 1-3).

In consider claim 5, the claimed further comprising the step of determining whether the program guide information is effective by comparing a current time to an effective period of stored program guide information and proceeding to the program list writing step when the

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stored program is effective, before the step of acquiring program guide information is met by the comparing step (col. 21, lines 39-47).

In consider claim 6, Yuen discloses all claimed subject matter, note 1) the claimed writing and displaying a program list including the program guide information of channels tuned before a program guide command is executed from the stored program guide information is met by the display of the television guide (col. 21, line 65 ; col. 22, line 5), 2) the claimed acquiring the program guide information for each channel by searching for the accessible channels in a background operation while the program list is referred to is met by the search for the television guide (col. 21, lines 59-65).

In consider claim 7, the claimed the acquiring step comprises the step of determining the sequence of accessing channels by proximity of channels to the channel tuned before the program guide command is executed is met by the search for television guide (col. 21, lines 59-65).

In consider claim 8, the claimed the acquiring step comprises the step of determining the order of priority of channels having the same proximity to the channel tuned before the program guide command is executed according to a channel up/down command input before corresponding channels are accessed is met by the search for television guide (col. 21, lines 59-65).

In consider claim 9, the claimed wherein an upward or downward direction is preferential when no channel up/down command is executed is met by the scanning of the channels for the television guide (col. 21, lines 59-65).

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In consider claim 10, the claimed the acquiring step comprises the step of searching channels upward or downward from the channel tuned before the program guide command is executed is met by the scanning of the channels for the television guide (col. 21, lines 59-65).

In consider claim 12, Yuen discloses all claimed subject matter, note 1) the claimed writing and displaying a program list including program guide information of channels tuned before a program guide command is executed from stored program guide information is met by the display of the television guide (col. 21, line 65 ; col. 22, line 5), 2) the claimed acquiring program guide information for each channel by searching for accessible channels in a background operation while the program list is referred to is met by the search for the television guide (col. 21, lines 59-65), 3) the claimed storing the acquired program guide information for each channel is met by the storing the channel guide in the RAM 752 (col. 21, line 65 ; col. 22, line 1), 4) the claimed rewriting a program list on the basis of the stored program guide information is met by the storing the channel guide in the RAM 752 (col. 21, line 65 ; col. 22, line 1 and col. 12, lines 33-46), 5) the claimed displaying the rewritten program list to a user is met by the display of the television guide (col. 22, lines 1-3).

In consider claim 13, the claimed the guide information acquiring step comprises the step of determining a sequence of accessing channels by the proximity of channels to the channel tuned before the program guide command is executed is met by the search for television guide (col. 21, lines 59-65).

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In consider claim 14, the claimed wherein the acquiring step determines an order of priority of channels having the same proximity to the channel tuned according to a channel up/down command input before corresponding channels are accessed is met by the search for television guide (col. 21, lines 59-65).

In consider claim 15, the claimed wherein an upward or downward direction is preferential when no channel up/down command is applied is met by the scanning of the channels for the television guide (col. 21, lines 59-65).

In consider claim 19, Yuen discloses all claimed subject matter, note 1) the claimed a tuner tuning a channel is met by the tuner 744 (col. 19, line 19), 2) the claimed a program guide information detector coupled to the tuner detecting program guide information introduced via the tuner is met by the controller 750 (col. 19, lines 24-44 and col. 21, lines 34-47), 3) the claimed a memory coupled to the program guide information detector storing the program guide information for each channel detected by the program guide information detector is met by the RAM 752 (from col. 21, line 65 to col. 22, line 1), 4) the claimed a key input introducing a user manipulation command such as a program guide command or a channel search command is met by the remote controller 16 (col. 19, line 10-17), 5) the claimed a microprocessor coupled to the key input unit, to the tuner and to the memory and writing a program list based on program guide information stored in the memory in response to the manipulation command input via the key input and searching for accessible channels in response to the manipulation command input via the key input by controlling tuner in a background operation while a user refers to the program

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list is met by the controller 750 (col. 18, lines 1-7 and col. 21, line 34 ; col. 22, line 10), 6) the claimed a character signal generator coupled to the microprocessor generating a character signal corresponding to the program list written by the microprocessor and providing the character signal to a screen is met by the on-screen display controller 756 (col. 22, lines 1-3).

In consider claim 20, the claimed wherein the microprocessor determines the sequence of accessing channels by the proximity between channels to the channel tuned before the program guide command is executed is met by the search for television guide (col. 21, lines 59-65).

In consider claim 21, the claimed wherein the microprocessor determines the order of priority of channels having the same proximity according to a user's channel up/down command input via the key input before corresponding channels are accessed is met by the search for television guide (col. 21, lines 59-65).

In consider claim 22, the claimed wherein the microprocessor searches for channels preferentially in an upward or downward direction when no channel up/down command is executed is met by the scanning of the channels for the television guide (col. 21, lines 59-65).

In consider claim 23, the claimed wherein the microprocessor searches for channels upward or downward from the channel tuned before the program guide command is executed is met by the scanning of the channels for the television guide (col. 21, lines 59-65).

In consider claim 25, the claimed wherein the microprocessor provides to the character signal generator a status message on the message screen in response to the program guide

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information of a corresponding channel not being stored is met by the warning message (col. 20, lines 50-54).

In consider claim 26, the claimed wherein the accessible channels include channels accessed by a tuner and channels provided by a line input is met by the tuner and the output 728 (col. 19, lines 10-23 and col 21, lines 34-65).

In consider claim 27, the claimed wherein the acquiring step comprises the step of determining the sequence of accessing channels by proximity of the channels to the channel tuned and by a channel up/down command input just before a channel search is determined is met by the search for television guide (col. 21, lines 59-65).

In consider claim 28, the claimed means for detecting program guide information corresponding to channels in relation to a tuned channel is met by the search for television guide (col. 21, lines 59-65) and means for searching for accessible channels of the channels based upon a command received, the program guide information, and a relation to the tuned channel is met by the controller 750 (col. 21, lines 59-65).

In consider claim 29, the claimed wherein the means for searching searches the accessible channels in a preferential manner is met by the controller 750 (col. 21, lines 59-65).

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Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yuen (U.S. Patent 5,659,367).

Yuen discloses all features of the instant invention except providing a message indicating that the user must wait until the program is written. However, the capability of displaying message indicated the user must wait until the program is written is well known and old in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Yuen's system with the well known message in order to increase the efficiency system operation in Yuen.

6. Claims 11, 16-18, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuen (US. Patent 5,659,367) in view of Saitoh (US. Patent 5,444,499).

In consider claim 11, Yuen discloses all the features of the instant invention except for providing the step of writing a probability distribution of tuned channels, wherein the channels are searched for in an order of priority according to a probability distribution of channels in the acquiring step. Saitoh teaches that the controller can calculates a probability that channels are to

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be selected, by accumulating a number of time which the channels are tuned (col. 5, lines 46-62) and searches for the channels in an order of priority according to a probability of tuning by the channels calculated (col. 6, lines 15-38). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Yuen's system with the controller as taught in Saitoh in order to obtain the television guide without carrying out cumbersome tuning operations.

In consider claim 16, the claimed wherein the guide information acquiring step comprises the step of searching channels upward or downward from the channel tuned before the program guide command is executed is met by the search for television guide disclosed in Yuen, column 21, lines 59-65 .

In consider claim 17, the claimed further comprising the step of writing a probability distribution of tuned channels, wherein the channels are search for in order of priority according to the probability distribution of channels in the search step is met by the search of channels base on the priority disclosed in Saitoh, column 6, lines 15-38 .

In consider claim 18, the claimed wherein the display step comprises the steps of displaying a message indicating a status of program guide information in response to the program guide information of a corresponding channel not being stored is met by the warning message of Yuen (col. 20, lines 50-54)., and displaying the program guide information of a corresponding channel in response to acquiring the program guide information of channels tuned before the program guide command is executed being acquired in the acquiring step is met by the display of the television guide disclosed in Yuen, column 22, lines 1-3..

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Claim 24 is rejected for the same reason as discussed in claim 11.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trang Tran whose telephone number is (703) 305-0090. The examiner can normally be reached on Monday to Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John K. Peng, can be reached on (703)305-4702.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

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Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-6306, (for formal communications intended for entry)

Or:


(703) 308-6296 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

TT

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MICHAEL LEE
PRIMARY EXAMINER

August 25, 2000